

January 31, 2006

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Re: *Terry V. Davis v. City of Perham*
OAH Docket No. 3-3100-16925-2

Dear Counsel:

This letter constitutes the Second Prehearing Order concerning matters discussed in the telephone status conference this morning. Mr. Ramberg appeared for the Petitioner; Mr. Wachtler appeared for the City. Bob Louiseau also participated for the City.

1. The Petitioner will number his exhibits individually and provide them to the City by February 6, 2006. The Petitioner should begin with the number 50 or 100 in order to avoid duplication of the City's exhibit numbers, which are 1-25.

2. The Petitioner will ensure that the City receives an expert witness disclosure concerning the testimony of Greg Andrews (or any other expert) by February 6, 2006. The disclosure shall state the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.

3. The City will advise the Petitioner by February 9, 2006, whether it will make the following witnesses available for the hearing: Jerome Boedigheimer, Harriet Mattfeld, and Anita Mycke. If the City will not make them available, and the Petitioner requires their testimony, the Petitioner may request subpoenas at that time. The City agreed that the Petitioner could contact Bill Parks, Keith Huntley, and Kenneth Ellingson informally, because counsel for the City does not represent them. If the Petitioner requires subpoenas to compel their attendance, those may be requested at any time.

4. The City will ensure that the Petitioner receives responses to the outstanding interrogatories by February 13, 2006. Although the interrogatories were addressed to various individuals, the City will respond to them as if they were directed to the City.

5. The hearing will be held beginning at 9:00 a.m. on February 16, 2006, in the City Council Chambers, 125 Second Avenue NE, Perham, MN 56573. The hearing will continue the following day if necessary. As the party with the burden of proof in demonstrating that the Petitioner's job was eliminated in good faith, the City will proceed first with its evidence, followed by the Petitioner.

6. The parties have requested a court reporter, which OAH will arrange.

Please contact me if you believe another status conference would be useful before the hearing.

Sincerely,

s/Kathleen D. Sheehy

KATHLEEN D. SHEEHY
Administrative Law Judge

Telephone: (612) 341-7602

cc: Docket Coordinator